

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
) CR. NO. 03-10322-MLW
v.)
)
MICHAEL WELLS)
)

MEMORANDUM AND ORDER

WOLF, D.J.

October 13, 2009

Defendant Michael Wells is serving a 169 month sentence for conspiracy to import a controlled substance, importation of a controlled substance, aiding and abetting importation of a controlled substance, and aiding and abetting. As a result of Amendment 706 to the United States Sentencing Guidelines ("U.S.S.G."), which generally retroactively reduces by two levels the offense level for crimes involving crack cocaine and became effective March 3, 2008, Wells moved for a reduction of his sentence pursuant to 18 U.S.C. §3582(c)(2) and U.S.S.G. §1B1.10. As Wells is indigent, counsel was appointed to represent him.

In accordance with the court's August 6, 2009 Order, the parties conferred with the Probation Department and filed a status report regarding Wells' motion. The parties and the Probation Department agree that, because Wells' sentence was based solely on powdered cocaine, he is ineligible for a sentence reduction under 18 U.S.C. §3582.

Accordingly, it is hereby ORDERED that Wells' Motion for

Retroactive Application of Sentencing Guidelines for Crack Cocaine Offense (Docket No. 143) is DENIED.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE